SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

WRIT PETITION NO. 767/2005

PETITIONER

Ajay Sharma, aged about 45 years, S/o Shri Satyapal Sharma, R/o D-I Pushpak Apartment Infront of Govt. Higher Secondary School Chotapara, Raipur, Chhattisgarh.

P.R. No. 2324/05
Presented by Shri Pwan Rishwani
dated 25/6/05

VERSUS

RESPONDENT/ PLAINTIFF

Prakash Dawda, aged about – 53 years, S/o Makhan Lal Dawda, R/o – 8 Geetanjali Nagar, Sector – I, Raipur, Chhattisgarh,

WRIT PETITION UNDER ARTCLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.2767/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-7-2005 Heard Shri Kishore Bhaduri, counsel for the petitioner. The petitioner, who is defendant in the civil suit No.18-A/2004 filed by the respondent herein, has preferred this writ petition under Article 227 of the Constitution of India being aggrieved by the order dated 7-5-2005 passed by the 12th Additional District Judge, Raipur in the said civil suit whereby the petitioner's defence has been struck out under Section 13 (6) of the Chhattisgarh Accommodation Control Act. I have perused the petition. Copy of the plaint has not been filed by learned counsel for the petitioner along with the petition, however, he submitted that the suit is for arrears of rent and ejectment. From perusal of the impugned order it shows that the respondent has filed the suit against the petitioner for ejectment of the house and also for arrears of rent to the amount of Rs.1,99,379/- and damages. It seems that the petitioner herein filed written statement and denied the relationship of landlord and tenant between the parties. It is mentioned that the petitioner herein has purchased the house from respondent and in token thereof he has already paid an amount of Rs.1,75,000/-. The Court observed that since the plaintiff has filed the suit for arrears of rent and ejectment and rent has not been paid, therefore, the defence of the petitioner is struck out. I do not find any illegality or infirmity in the	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

impugned order for the reason that the respondent herein has filed the suit for ejectment and arrears of rent on the ground that the petitioner herein is a tenant of respondent in which the petitioner herein denied the tenancy, but the respondent has filed the suit claiming to be landlord, therefore, the rent has ~~not been~~ deposited, hence the defence has been rightly struck out and that means the defence available to the petitioner under the Chhattisgarh Accommodation Control Act has been struck out, as such I do not find any substance in this petition and the same is liable to be dismissed and it is accordingly dismissed.

However, the petitioner is at liberty to raise the defence available to him under the law.

Consequently, M.(W.)P. No.2301/2005 and I.A. No.5511/2005 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Barve

(पीछे देखिये)